

FILED
07 JUL -9 PM 3:09
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Mark Anthony Dulless

Plaintiff,

vs.

*California State Prison - warden
The people of the State of California
and all other persons/party* Defendant.

CASE NO. 07-2881

**PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS**

I, Mark Anthony Dulless, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ___ No ✓

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: 0 Net: _____

Employer: _____

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 I, don't remember my last job
 5 _____
 6 _____

7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

- 9 a. Business, Profession or Yes No ✓
 10 self employment
 11 b. Income from stocks, bonds, Yes No ✓
 12 or royalties?
 13 c. Rent payments? Yes No ✓
 14 d. Pensions, annuities, or Yes No ✓
 15 life insurance payments?
 16 e. Federal or State welfare payments, Yes No ✓
 17 Social Security or other govern-
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 _____
 22 _____

23 3. Are you married? Yes No ✓

24 Spouse's Full Name: _____

25 Spouse's Place of Employment: _____

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ _____ Net \$ _____

28 4. a. List amount you contribute to your spouse's support: \$ _____

b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

NONE

5. Do you own or are you buying a home? Yes No ✓

Estimated Market Value: \$ _____ Amount of Mortgage: \$ _____

6. Do you own an automobile? *it was stolen by the sacramento county sheriff's dept: Redding Police Dept.* Yes _____ No ✓

Make _____ Year _____ Model _____

Is it financed? Yes _____ No _____ If so, Total due: \$ _____

Monthly Payment: \$ _____

7. Do you have a bank account? Yes _____ No ✓ (Do not include account numbers.)

Name(s) and address(es) of bank: _____

Present balance(s): \$ _____

Do you own any cash? Yes _____ No ✓ Amount: \$ 0

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes _____ No ✓

8. What are your monthly expenses?

Rent: \$ 0 Utilities: 0

Food: \$ 0 Clothing: 0

Charge Accounts: 0

<u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total Owed on This Acct.</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

9. Do

1 you have any other debts? (List current obligations, indicating amounts and to whom they are
2 payable. Do not include account numbers.)

3 NONE

4
5 10. Does the complaint which you are seeking to file raise claims that have been presented
6 in other lawsuits? (Yes ☒ No ☐ case no. 98AM02035

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
8 which they were filed.

9 98AM02035 superior court of Sacramento County

10
11 I consent to prison officials withdrawing from my trust account and paying to the court
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and
14 understand that a false statement herein may result in the dismissal of my claims.

15
16 JUNE 7, 2007

17 DATE

Mark A. Newton

18 SIGNATURE OF APPLICANT
19
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Case Number: C07-2881

CERTIFICATE OF FUNDS
IN
PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Mark Anthony Dulless for the last six months at

[prisoner name]

CSP-Sacramento where (s)he is confined.

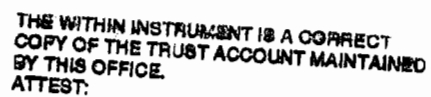
[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 0.00 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 0.00.

Dated: 6/25/07

Christina Hernandez

[Authorized officer of the institution]



CALIFORNIA DEPARTMENT OF CORRECTIONS
BY *Charles Howard*
TRUST OFFICE

Trust accounting office

to: clerk/warden

I, need a statement showing that I have no money on the Books
I, sent (a waiver) to Superior Court - Sacramento County 720 9th Street
Room 102 Tai A. Woodward Deputy clerk and notified that clerk
that I was requesting the statement from the trust accounting
office and as soon as I get it from your office, that I would
send it to the Superior Court to verify my lack of money & funds
for the waiver for fees and court costs statement that I sent on
june 6, 2007.

Please! send to me a trust account statement,

Today's date: june 6, 2007

(S) Mark A. DeRoss

Mark A. DeRoss

Your 6 months cert has

P-55133 (C-5 #108)

been completed by the Trust Dept
and forwarded to Litigation.

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 **INSTRUCTIONS FOR PRISONER'S
IN FORMA PAUPERIS APPLICATION**

4 You must submit to the court a completed Prisoner's In Forma Pauperis Application if you
5 are unable to pay the entire filing fee at the time you file your complaint or petition. Your
6 application must include copies of the prisoner trust account statement showing transactions for
the last six months and a certificate of funds in prisoner's account, signed by an authorized officer
of the institution. *(SEE) IN LAST PAGE*

7 **A. Non-habeas Civil Actions**

8 Effective April 9, 2006, the filing fee for any civil action other than a habeas is
9 \$350.00. Even if you are granted leave to proceed in forma pauperis, you must still pay the full
amount of the court's filing fee, but the fee will be paid in several installments. 28 U.S.C. § 1915.

10 You must pay an initial partial filing fee of 20 percent of the greater of (a) the average
11 monthly deposits to your account for the 6-month period immediately before the complaint was
12 filed or (b) the average monthly balance in your account for the 6-month period immediately
13 before the complaint was filed. The court will use the information provided on the certificate of
funds and the trust account statement to determine the filing fee immediately due and will send
instructions to you and the prison trust account office for payment if in forma pauperis status is
granted.

14 After the initial partial filing fee is paid, your prison's trust account office will forward to
15 the court each month 20 percent of the most recent month's income to your prison trust account,
16 to the extent the account balance exceeds ten dollars (\$10.00). Monthly payments will be
required until the full filing fee is paid. If you have no funds over ten dollars (\$10.00) in your
account, you will not be required to pay part of the filing fee that month.

17 If your application to proceed in forma pauperis is granted, you will be liable for
18 the full \$350.00 filing fee even if your civil action is dismissed. That means the court will
19 continue to collect payments until the entire filing fee is paid. However, if you do not
submit this completed application the action will be dismissed without prejudice and the
filing fee will not be collected.

20 **B. Habeas Actions**

21 The filing fee for a habeas action is \$5.00. If you are granted leave to proceed in
22 forma pauperis you will not be required to pay any portion of this fee. If you are not granted
23 leave to proceed in forma pauperis you must pay the fee in one payment and not in
24 installments. If you use a habeas form to file a non-habeas civil action, you will be
25 required to pay the \$350.00 filing fee applicable to all non-habeas civil actions.
26
27
28